

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MARKS, INC.,

Debtor.

MARKS, INC.,

Movant,

vs.

NO RESPONDENT.

Bankruptcy No. 17-23657-GLT

Chapter 11

Document No.

Related to Doc. No. 39

Hearing Date and Time:  
December 21, 2017 at 10:00 a.m.

**ORDER APPROVING RETENTION OF REALTOR/BROKER**

AND NOW, upon consideration of the **APPLICATION FOR APPROVAL OF REALTOR/BROKER (Application for Approval of Real Estate Brokers)** it is hereby **ORDERED, ADJUDGED and DECREED** as follows:

1. The Application is hereby approved as of the date the Application was filed.

2. Charles Fink, Sunbelt Business Brokers, 5996 Centre Avenue, 1033 Gill Hall, Jefferson Hills, PA 15025 is hereby appointed as **Realtor/Broker** for the Debtor in this bankruptcy proceeding pursuant to the terms described in the Listing Agreements attached to the Application collectively as Exhibit A for the purpose of acting as the Debtor's agent in connection with the sale of business assets, including all fixtures, equipment, goodwill, trademarks, trade names and inventory located at Debtor's two (2) leased commercial locations at 1 Virginia Avenue, Pittsburgh, PA 15211 and 125 Pittsburgh Street, Butler, PA 16001, at which Debtor operates two (2) gas station/convenience store businesses. A broker commission in the amount of 10% on the sale price (but no less than \$15,000.00 per business location) is tentatively approved, subject to final court order. **PROVIDED, HOWEVER, THAT THE PROVISIONS OF THE LISTING AGREEMENTS ALLOWING FOR THE PAYMENT OF COMMISSION IN THE ABSENCE OF A SALE, AND ALLOWING FOR THE REALTOR/BROKER TO RECEIVE 50% OF ANY FORFEITED DEPOSIT/DOWN PAYMENT, ARE EXPRESSLY NOT APPROVED AND ARE HEREBY STRICKEN FROM THE LISTING AGREEMENTS AS APPROVED.**

3. Professional persons or entities performing services in the above case are advised that approval of fees for professional services will be based on other factors as well, including results accomplished, the time and labor reasonably required by the

professional to perform the task(s) involved, the customary fee for similar services, the time limitations imposed by the retention or the circumstances encountered while performing the services, the relationship of the services, if any, to the ultimate bid amount for the subject property, and the extent and nature of awards in similar cases.

4. The approval of any application for appointment of a professional in which certain fees are requested is not an agreement by the Court to allow such fees in the requested amount. Final compensation, as awarded by the Court after notice and hearing, may be more or less than the requested amount based on application of the above criteria.

5. Applicant shall serve the within Order on all interested parties and file a certificate of service.

Date:\_\_\_\_\_

\_\_\_\_\_  
GREGORY L. TADDONIO  
UNITED STATES BANKRUPTCY JUDGE

c:     **Trustee**  
       **Debtor**  
       **Counsel**  
       **Realtor/Broker**  
       **Office of the U.S. Trustee**